

AUG 10 2005

FILED  
CLERK'S OFFICE**DOCKET NO. 1629****BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE NEURONTIN MARKETING, SALES PRACTICES AND PRODUCTS  
LIABILITY LITIGATION***Ellen DeRosa v. Pfizer Inc., et al.*, D. New Hampshire, C.A. No. 1:05-116*Mary Hansen v. Pfizer Inc., et al.*, D. Vermont, C.A. No. 1:05-100**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.  
LOWELL JENSEN, J. FREDERICK MOTZ,\* ROBERT L. MILLER, JR.,  
KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE  
PANEL****TRANSFER ORDER**

Before the Panel is a motion brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in a District of New Hampshire action and a District of Vermont action. Plaintiffs move to vacate the Panel's order conditionally transferring the actions to the District of Massachusetts for inclusion in the centralized pretrial proceedings occurring there in this docket before Judge Patti B. Saris. Defendants Pfizer Inc. (Pfizer) and a Pfizer affiliate support transfer of both actions.

On the basis of the papers filed and hearing session held, the Panel finds that these two actions involve common questions of fact with actions in this litigation previously transferred to the District of Massachusetts, and that transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel is persuaded that transfer of the actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. In that order, the Panel held that the District of Massachusetts was a proper Section 1407 forum for actions sharing factual questions arising out of allegations that common defendants had engaged in the illegal promotion and sale of the drug Neurontin for "off-label" use. *See In re Neurontin Marketing and Sales Practices Litigation*, 342 F.Supp.2d 1350 (J.P.M.L. 2004). Transfer under Section 1407 will permit these putative class actions that also are predicated on an alleged off-label Neruontin marketing scheme to proceed before a single transferee judge who is familiar with the complex questions at issue in MDL-1629 and who can structure pretrial proceedings to consider all parties' legitimate discovery needs, while ensuring that common parties and witnesses are not subjected to discovery demands which duplicate activity that will occur or has already occurred in other MDL-1629 actions.

---

\*Judge Motz took no part in the disposition of this matter.

- 2 -

Plaintiffs premised much of their opposition to transfer on the argument that federal jurisdiction was lacking in their actions, and they urged the Panel not to order transfer before their motions to remand to state court were resolved by the federal courts in New Hampshire and Vermont. This objection has now been mooted with respect to the New Hampshire action as a result of the New Hampshire court's June 14, 2005 order denying remand. At any rate, such motions, if not resolved in transferor courts by the time of Section 1407 transfer, can be presented to and decided by the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the District of Massachusetts and, with the consent of that court, assigned to the Honorable Patti B. Saris for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



---

Wm. Terrell Hodges  
Chairman

ENE0

**U.S. District Court  
District of Vermont (Burlington)  
CIVIL DOCKET FOR CASE #: 2:05-cv-00100-wks**

Hansen v. Pfizer, Inc. et al  
Assigned to: William K. Sessions, III  
Case in other court: Franklin County Superior Court,  
unknown  
Cause: 28:1446pl Petition for Removal - Product Liability

Date Filed: 04/18/2005  
Jury Demand: None  
Nature of Suit: 365 Personal Inj. Prod.  
Liability  
Jurisdiction: Federal Question

**Plaintiff**

**Mary Hansen**  
*on behalf of herself and all others  
similarly situated*

represented by **D. Michael Noonan**  
Shaheen & Gordon, P.A.  
140 Washington Street  
P.O. Box 977  
Dover, NH 03821-0977  
(603) 749-5000  
Fax: (603) 749-5000  
Email: mnoonan@shaheengordon.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Pfizer, Inc.**

represented by **E. William Leckerling, III**  
Lisman, Webster, Kirkpatrick &  
Leckerling, P.C.  
84 Pine Street, 5th Floor  
P.O. Box 728  
Burlington, VT 05402-0728  
(802)864-5756  
Fax: (802)864-5756  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Parke-Davis**  
*a division of Warner-Lambert Company*

represented by **E. William Leckerling, III**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/18/2005	<u><a href="#">1</a></u>	NOTICE OF REMOVAL by Pfizer, Inc., Parke-Davis from Franklin

		County Superior Court, case number unknown. ( Filing fee \$ 250) (Attachments: # <a href="#">1</a> Cover Sheet# <a href="#">2</a> ExhibitA1of4# <a href="#">3</a> ExhibitA2of4# <a href="#">4</a> ExhibitA3of4# <a href="#">5</a> ExhibitA4of4)(admin, ) (Entered: 04/19/2005)
04/19/2005	<a href="#">2</a>	Letter requesting file and docket sheet from Franklin County Superior Court. Cy to attys and State Court. (wjf, ) (Entered: 04/19/2005)
04/22/2005	<a href="#">3</a>	JOINT MOTION for Extension of Time to File Answer re Complaint (not received from State Court) by Mary Hansen, Pfizer, Inc., Parke-Davis. (wjf, ) (Entered: 04/22/2005)
04/26/2005	<a href="#">4</a>	ORDER granting <a href="#">3</a> Motion for Extension of Time to Answer. Pfizer, Inc. and Parke-Davis answers due (1) 30 days after any decision resolving plaintiff's anticipated motion to remand, (2) 30 days after transfer of this action to the MDL Court, or in the event no motion to remand is filed by plaintiff, (3) on or before June 30, 2005. Signed by Judge J. Garvan Murtha on 04/26/2005. (This is a text only Order.) (kbl, ) (Entered: 04/26/2005)
05/04/2005	<a href="#">5</a>	FULLY EXECUTED JOINT MOTION by Mary Hansen, Pfizer, Inc., Parke-Davis of [4] Order on Motion for Extension of Time to Answer,, <a href="#">3</a> MOTION for Extension of Time to File Answer re <a href="#">1</a> Notice of Removal. (Motion has been ruled on, SeeDoc. No. [4]) (wjf, ) (Entered: 05/04/2005)
05/13/2005	<a href="#">6</a>	MOTION to Stay Pending Transfer by Judicial Panel on Multi-District Litigation re <a href="#">1</a> All Proceedings by Pfizer, Inc., Parke-Davis. Responses due by 5/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (Attachments: # <a href="#">1</a> Exhibit A)(wjf, ) (Entered: 05/13/2005)
05/18/2005	<a href="#">7</a>	COMPLAINT against Pfizer, Inc., Parke-Davis filed by Mary Hansen. (Filed in State Court 2/18/05) (Attachments: # <a href="#">1</a> # <a href="#">2</a> # <a href="#">3</a> )(wjf, ) (Entered: 05/18/2005)
05/18/2005	<a href="#">8</a>	AMENDED COMPLAINT against Pfizer, Inc., Parke-Davis filed by Mary Hansen. (Filed in State Court 4/14/05) (Attachments: # <a href="#">1</a> )(wjf, ) (Entered: 05/18/2005)
05/18/2005	<a href="#">9</a>	RETURN OF SERVICE Executed. Pfizer, Inc. served on 3/29/2005, answer due 4/18/2005. (Filed in State Court 4/18/2005) (wjf, ) (Entered: 05/18/2005)
05/18/2005	<a href="#">10</a>	RETURN OF SERVICE Executed. Parke-Davis served on 3/29/2005, answer due 4/18/2005. (Filed in State Court 4/18/2005) (wjf, ) (Entered: 05/18/2005)
05/18/2005	<a href="#">11</a>	NOTICE by Pfizer, Inc., Parke-Davis re <a href="#">1</a> Notice of Removal (Filed in State Court 04/20/2005) (wjf, ) (Entered: 05/18/2005)
05/18/2005	<a href="#">12</a>	RECEIVED FILE and certified copy of docket sheet from Franklin County Superior Court. (wjf, ) (Entered: 05/18/2005)
05/18/2005	<a href="#">13</a>	MOTION to Remand Proceeding to the Franklin County Superior Court,

		by Mary Hansen. Responses due by 6/2/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (mfm, ) (Entered: 05/18/2005)
05/18/2005	<a href="#">14</a>	MEMORANDUM by Mary Hansen, in support of <a href="#">13</a> MOTION to Remand. (mfm, ) (Entered: 05/18/2005)
05/23/2005	<a href="#">15</a>	RESPONSE in Opposition re <a href="#">6</a> MOTION to Stay re <a href="#">1</a> Notice of Removal filed by Mary Hansen. (mfm, ) (Entered: 05/23/2005)
05/23/2005	<a href="#">16</a>	MEMORANDUM IN OPPOSITION TO <a href="#">6</a> DEFENDANT'S MOTION TO STAY and in support of <a href="#">15</a> Response in Opposition to Defendant's Motion to Stay filed by Mary Hansen (mfm, ). Modified on 5/23/2005 (jse, ). (Entered: 05/23/2005)
06/07/2005	<a href="#">17</a>	RESPONSE in Opposition re <a href="#">13</a> MOTION to Remand filed by Pfizer, Inc., Parke-Davis. (wjf, ) (Entered: 06/07/2005)
06/07/2005	<a href="#">18</a>	REPLY to Response to Motion re <a href="#">6</a> MOTION to Stay re <a href="#">1</a> Notice of Removal filed by Pfizer, Inc., Parke-Davis. (wjf, ) (Entered: 06/07/2005)
06/07/2005	<a href="#">19</a>	ORDER REASSIGNING CASE. Case reassigned to Judge William K. Sessions, III for all further proceedings. Judge J. Garvan Murtha no longer assigned to case. Signed by Judge J. Garvan Murtha on 6/7/2005. (jlh, ) (Entered: 06/08/2005)
08/15/2005	<a href="#">20</a>	Letter from MDL Panel. (law) (Entered: 08/15/2005)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
08/16/2005 16:45:25			
<b>PACER Login:</b>	us2510	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:05-cv-00100-wks
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.16